IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 14000 of 2005

For Approval and Signature:

HON'BLE MR JUSTICE DN PATEL

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge?

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BHUMIKA D/O HIRALAL SAVANI SINCE MINOR THRO.HER FATHER - Petitioner(s)

Versus

SURAT MUNICIPAL CORPORATION &2 - Respondent(s)

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Appearance :

MR KK TRIVEDI for Petitioner No(s).: 1.

MR LB DABHI for Respondent No(s).: 1,2,3.

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CORAM : HON'BLE MR JUSTICE DN PATEL

Date : 12/07/2005

ORAL JUDGMENT

1.Rule. Learned Assistant Government Pleader Mr.L.B.Dabhi waives notice of Rule for the respondent no.1, 2 and 3.

1.The present petition has been preferred for a direction to the respondent to treat the present petitioner as a local student for getting admission in the respondent no.2 – college in the seats reserved for local student in the first year MBBS course for the academic year 2005-2006.

1.Having heard the learned counsel for both the sides and looking to the aforesaid facts and circumstances of the case, the controversy involved in the present petition is covered by judgment dated 11.07.2005 delivered by this Court in Special Civil Application No.13818/2005, wherein it has already been held that the documents in Rule No.1.2.1. are illustrative in nature. The respondent institution is already directed to reconsider the case on the basis of evidence produced by the applicant-student for the proof of their residence within the local limits of city of Surat. In the present case also for those reasons, which are referred in the aforesaid order passed by this Court dated 11.07.2005, the communication dated 29.06.2005 issued by the respondent no.2 is quashed and set aside and the respondent no.2 is directed to reconsider the case of the petitioner on the basis of evidences presented by the present petitioner before the respondent no.2. The petitioner, if so desires to present further evidence, the same shall be presented on or before 14th July, 2005 before the respondent no.2 and the respondent no.2 shall, thereafter, decide the fact, whether the petitioner can be treated as local student or not and his admission in MBBS based thereupon, on or before 22.07.2005. The decision taken by the respondent no.2 shall be communicated to the petitioner on or before 26th July, 2005 and one seat in the first year of MBBS course for the academic year 2005-2006 for local student general category shall be kept vacant by the respondents up to 29thof July, 2005, if the decision is against the petitioner.

1.Rule is made absolute to the aforesaid extent. Direct service permitted.

(D.N. PATEL, J.)

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